



LEGAL SERVICES CENTER ***LEGAL ASSISTANCE***

Presented by

Sgt Cummings, USMC

MARINE CORPS BASE HAWAII

Bldg 215 (Across from CG Building/Flagpole)

1st Deck, Room 122

(808) 257-2110 x242



LEGAL SERVICES CENTER

- **STAFF JUDGE ADVOCATE (SJA)**
- **TRIAL-** Criminal prosecutions
- **DEFENSE-** Criminal Defense
- **ADMIN LAW-** Claims against the government, investigations, and administrative separations
- **INSTALLATION LAW-** Ethics, fundraising, Air Show, ect.
- **BASE MAGISTRATE-** SJA stands as BM, Violations of Base Orders (Lawn Care, Traffic Citations, Noise Complaints, etc.), Other Base Rights/Privileges.



What is Legal Assistance?

- Mission: Enhance readiness of active duty and reserve Marines and Sailors, and their families, by providing quality legal services and to educate eligible persons regarding their personal legal rights and responsibilities.



Legal Assistance Eligibility

- Active duty, to include reservists who are serving on active duty for 30 days or more.
- Dependents of active-duty personnel, and dependents of personnel who died while on active duty.
- Retirees and their family members, family members of deceased retirees.



LEGAL ASSISTANCE **SERVICES**

- **Estate Planning**
 - **Wills*, Living Wills**
 - **Powers of Attorney***
 - **Advanced Medical Directives**
- **Contract Law/Credit Problems**
- **Civil Suits**
- **Immigration and Naturalization**
- **Landlord Tenant Disputes**
- **Adoption (Consent)/Guardianships/Name Changes**
- **Notary Public**
- **Domestic Relations (Divorce, Family Support)**
- **Referrals to Civilian Attorney (Client pays own legal fees.)**
- **Servicemember's Civil Relief Act (SCRA)**
 - **Termination of Residential or Automobile Leases**
 - **Protection from Eviction**
 - **6% Interest Rate Cap on Debts Incurred Prior to going on Active Duty**
 - **Civil Court Proceeding Stays/Opening Default Judgments**



WILLS

- **Complete and Turn in Worksheet 2-3 months prior to Deployment.**
- **Not everyone needs a will:**
 - **If you are single, and do not have kids or own real property (land/condo/house) you probably do not need a will: your property will go to your parents. *But think about a living will.***
 - **You can designate beneficiaries in place of will with some accounts (IRA / insurance: ask the company)**



WILLS

- Keep the original will in a safe place.
Not a safety deposit box only you have the key or combo to.
 - if you want to keep a copy tell us or make copy before the original is stapled
- Make sure your personal representative/named executor has the WILL OR KNOWS WHERE THE WILL IS



WILLS

- **SGLI is governed by the beneficiary you designate on the SGLI papers, not a will, (even if you have a will the SGLI paperwork controls).**



WILLS

- Does everyone need a will?

NO

- Who needs a will?

Significant assets

Children from other relationships/marriages

Unique family circumstance

You do not need a will for your personal possessions, game system, vehicle, ect...



LIVING WILLS

- Often used in conjunction with power of attorney for healthcare / advance medical directive
- Living will if near death or in vegetative state designates your wish to “pull the plug” and if/how to donate organs.
- Advance Medical Directive – you designate who makes healthcare decisions for you if you are incapacitated



POWERS OF ATTORNEY

- Legal document that you may choose to give to another person so they can act on your behalf.
 - A person or business does **NOT** have to accept your power of attorney; it is completely discretionary. Ask the business in advance.
 - Give the original to your agent and keep a copy for yourself.
 - Photocopies are generally unacceptable to the 3d party
 - Limit the duration and scope of the power to extent possible
 - Automatically terminates upon death of either you or your agent or if you become mentally/physically incapacitated.
 - Durable POAs



POWERS OF ATTORNEY

- **SPECIAL POWER OF ATTORNEY**

- Authorizes your agent to do one or more certain **specified** acts, such as selling your car, shipping household goods, cashing a paycheck, filing taxes, selling real property, or authorizing emergency medical care for your minor child.
- If you have kids think about getting an IN LOCO PARENTIS "in the place of the parents" special power of attorney

- **GENERAL POWER OF ATTORNEY***

- Grants broad, virtually unlimited, authority to your agent.
- Must only be given to a person you trust completely.
- DESPITE WHAT YOU HAVE BEEN TOLD, IF YOU PROPERLY ARRANGE YOUR AFFAIRS PRIOR TO DEPLOYMENT, A GPOA IS **NOT NECESSARY** !!!!!!!!!!!!!!!!!!!!!!!!!!!!!
- Some businesses wont even accept a General Power of Attorney (NFCU, Housing): check with the business.



DIVORCE

- Non-contested self-filing
- Nearly impossible to facilitate during deployment
 - Bad time to make this type of decision
 - Almost always best to resolve post-deployment
- Both parties agree to all terms of divorce
- Usually only available to junior Marines with very little to contest (i.e. property, retirement, ect...)
- E-5 and above = civilian lawyer referral list
- Fees
 - \$175.00 without children
 - \$250.00 with children



SCRA

- If sued in civil court can get a “timeout” while on deployment or can’t appear because of military service
 - if being sued, legal assistance!
- Lease-breaking provisions if orders (PCS/deployment)
- **Does not** apply to every service contract
 - Most service providers will assist, not required
 - Bill on House floor to expand protection



ACTIVE DUTY ALERT

- If you have credit problems or are worried about identity theft:
- You can call one of credit reporting agencies to put this under your name if you are deploying.
- **BEWARE of Identity Theft Scams (phone, e-mail)!**



LEGAL ASSISTANCE TRENDS

- Divorce/family support
- Last minute wills POA
- IPAC/admin questions
- Base Housing
- Complaints against command
- Traffic tickets – out in town/on base
- Civilian arrest (concurrent jurisdiction)
- Private business interests (rental/purchase)
- Civil proceedings



Legal Assistance

- Issues to be aware of:
 - Registration and safety inspection on vehicles
 - POA's (need original, very difficult to revoke GPOA)
 - Early Return Dependents (ERD)
 - Spousal support
 - Service contracts
 - EAS/PCS dates
 - Base regs (magistrate or federal prosecutor)



HOURS

- **NOTARY HOURS (POAs, etc.)**
 - **0730-1130 and 1300-1630 Monday-Friday**
- **WALK-IN HOURS: ATTORNEY CONSULTATION**
 - **Tues & Thurs: 0730 - 1130**
 - **By number - First come, first serve basis**
 - ***There can be a significant wait.**
 - **Appointments: Scheduled ONLY if there is a valid and sufficient reason a person can not come in during walk-in hours.**
 - **Absolutely NO legal advice is given over the phone.**
 - **No limit on number of times you can seek legal services.**
 - **Bring ID and all relevant documents with you.**
 - **Due to confidentiality concerns, we ask that you NOT bring children if you wish to speak with an attorney.**
- **WILL EXECUTIONS**
 - **By Appointment**
- **FOLLOW ON APPOINTMENTS WITH ATTORNEY**
 - **Granted at Attorney's Discretion**
- **LEGAL INFORMATION LITERATURE AVAILABLE AT OFFICE**



QUESTIONS?



"Do you promise to pay the bill,
the whole bill and nothing but the bill?"